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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 RICHARD A. EVANS,

12 Plaintiff,

13 v.

14 R. MILAM, ET. AL.,

15 Defendants.
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Case No. 1:20-cv-00070-AWI-HBK (PC)

ORDER DENYING PLAINTIFF'S MOTION

(Doc. No. 54)

17 Richard A. Evans, a state prisoner, initiated this action by filing a civil rights complaint
18 under 42 U.S.C. § 1983 on January 14, 2020. (Doc. No 1). This case remains in the early stages
19 of litigation. (*See* docket). A § 1915 screening is due on Plaintiff's First Amended Complaint.
20 (Doc. No. 34, "FAC"). Pending before the Court is Plaintiff's one-page motion entitled "motion
21 for federal authorities to relieve CDCR of its jurisdiction and authority over their inmates due to
22 multiple failures to protect," filed December 2, 2020. (Doc. No. 54, "Motion"). In his Motion,
23 Plaintiff generally takes issue with the rates of the Covid-19 virus within the CDCR correctional
24 institutions and attributes the alleged high rates to CDCR's failure to implement sufficient
25 protocols with staff. (*Id.*). Plaintiff requests that federal authorities, such as the United States
26 Marshal, relieve the State of California of its operation of its correctional institutions, specifically
27 its efforts to control Covid-19 in the state prisons. (*Id.*).
28

"The federal courts do not sit to supervise state prisons, the administration of which is

1 acute interest to the States.” *Meachum v. Fano*, 427 U.S. 215, 229 (1076). Plaintiff cites to no
2 authority and his Motion otherwise fails to provide any factual allegations which would sustain
3 federal intervention into the domain of the state’s power over its prisons. *See e.g. Missouri v.*
4 *Jenkins*, 495 U.S. 33, 51 (1990); *Prieser v. Rodriguez*, 411 U.S. 475, 492 (1973).

5 Accordingly, it is **ORDERED**:

6 Plaintiff’s “motion for federal authorities to relieve CDCR of its jurisdiction and authority
7 over their inmates due to multiple failures to protect” (Doc No. 54) is DENIED.

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9 Dated: July 14, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE